



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 2000

Peter Friedman, Esq.
City Political Action Committee
P.O. Box 1198
Chicago, IL 60690-1198

RE: MUR 4950
City Political Action Committee and
Matthew G. Mitzen, as treasurer

Dear Mr. Friedman:

On March 31, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Jim Moye
Law Clerk

Enclosure
Conciliation Agreement

8620-8620-40-02

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4950
City Political Action Committee)
and Matthew G. Mitzen, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that City Political Action Committee and Matthew G. Mitzen, as treasurer ("Respondents"), violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. City Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4) and is not an authorized committee of any candidate.

2. Matthew G. Mitzen is the treasurer of the City Political Action Committee.

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3. a. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires treasurers of political committees other than authorized committees of a candidate to file periodic reports of receipts and disbursements. In a non-election year, political committees must file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31, and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

b. The Act also requires all political committees other than authorized committees of a candidate to file quarterly reports in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter, except that the report of the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

c. Additionally, the Act requires that a pre-election report shall be filed no later than the 12th day before any election in which a candidate is seeking election or nomination for election and must be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(ii).

4. Respondents failed to timely file the 1997 Mid-Year Report. Respondents were required to file the Mid-Year Report no later than July 31, 1997. The 1997 Mid-Year Report, which disclosed \$11,579 in receipts and \$24,945 in disbursements, was not filed until September 3, 1997, 34 days late.

5. Respondents failed to timely file the 1997 Year End Report. Respondents were required to file the Year End Report no later than January 31, 1998. The 1997 Year End

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Report, which disclosed \$11,929 in receipts and \$14,179 in disbursements, was not filed until April 10, 1998, 68 days late.

6. Respondents failed to timely file the 1998 April Quarterly Report.

Respondents were required to file the Quarterly Report no later than April 15, 1998. The April 1998 Quarterly Report, which disclosed \$3,928 in receipts and \$8,277 in disbursements, was not filed until June 3, 1998, 49 days late.

7. Respondents failed to timely file the 1998 July Quarterly Report. Respondents

were required to file the Quarterly Report no later than July 15, 1998. The 1998 July Quarterly Report, which disclosed \$18,850 in receipts and \$14,531 in disbursements, was not filed until September 3, 1998, 49 days late.

8. Respondents failed to timely file the 1998 12 Day Pre-General Report.

Respondents were required to file the Pre-General Report no later than October 22, 1998. The 1998 12 Day Pre-General Report, which disclosed \$1,500 in disbursements, was not filed until December 3, 1998, 42 days late.

9. Respondents failed to timely file the 1998 Year End Report. Respondents

were required to file the Year End Report no later than January 31, 1999. The 1998 Year End Report, which disclosed \$1,100 in receipts and \$172 in disbursements, was not filed until April 28, 1999, 87 days late.

10. Respondents contend that the violations set forth in this agreement were not

knowing and willful violations. Respondents further contend that the violations were caused by personnel and administrative matters that have been remedied to enable Respondents to comply with all applicable statutes and Commission regulations.

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V. Respondents failed to timely file their 1997 Mid-Year, 1997 Year End, 1998 April Quarterly, 1998 July Quarterly, 1998 12 Day Pre-General and 1998 Year End Reports in violation of 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand dollars (\$3,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.


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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date

4/7/00

FOR THE RESPONDENTS:


Eric M. Lynn
Executive Director

Date

8.12.00

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